



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/003,059

11/02/2001

Daniel J. Piotrowski

US010515

4914

24737

7590

08/12/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,059

Applicant(s)

PIOTROWSKI ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12,14-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12,14-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant amendment filed 5/28/04.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al, US Patent No. 5,979,757, in view of Dworkin, US Patent No. 4,992,940.

Tracy et al disclose a method and system for presenting item information using a portable data terminal, the portable terminal comprising: a label reader 704 for reading information from a label; a communication unit 702 for communicating to one or more service nodes 40, 42, 50; a controller 701, coupled the label reader, the label reader send request to on or more of the service nodes through the communication unit, receive an information response from the service node, and display the information response, wherein the request and the response are formatted as document capable of being exchanged in a distributed decentralized environment (see col. 5, line 25+; figures 1-3).

Re claim 2, wherein the information response includes competitive product information of a product associated with the label (see col. 9).

Re claims 3, 8, wherein the controller is further arrange to allow profile information to be access by a service node to engage in a commercial transaction (see col.9, lie 6+).

Art Unit: 2876

Re claim 4, wherein the apparatus and the service node communicate in a client/server network (see figure 1).

Re claims 5 and 6, wherein the documents comprise XML document expressed as SOAP messages (see col. 10, lines 33-38).

Re claim 7, the scanner inherently includes a light sensor, serving as context sensor, coupled to the controller.

Re claim 9, wherein the controller allows a user to complete an on-line transaction (see col. 8, line 19+).

Re claim 10, wherein the controller allows a user to adjust the read information from a label and resending a request to a service node (based on nutritional information or other selection) (see col. 8, line 54+).

Tracy et al teaches that information is downloaded to the portable 100 over wireless network 130, but fail to disclose or fairly suggest that the controller permits the user to request pricing information from a plurality of vendors and stores that offer a particular product for sale identified by the information read from the label, said information from a variety of vendors being retrieved by said service mode.

Dworkin discloses a system and method for automated selection of equipment for purchase through input of user desired specification comprising: input means for selecting a product wherein when the product is selected, the system investigate the product to display a plurality of suppliers supplying the product, the supplier information includes price, discount, availability, etc.

Art Unit: 2876

In view of Dworkin's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Tracy to access price information from different vendors. Such modification would be more beneficial to consumers wherein the consumer would provide with the option of choosing the lowest price for the product. Furthermore, such modification would enhance and make the system more desirable. Therefore, it would have been an obvious extension as taught by Tracy et al.

4. Claims 12, 14-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al as modified by Dworkin as applied to claims 1-10 above, and further in view of Loop, US Patent No. 6,507,275.

Tracy et al as modified by Dworkin teaches that information is downloaded to the portable 100 over wireless network 130, but fail to disclose or fairly suggest using an RFID reader to read information from an RFID tag from a product

Loof discloses a complete integrated self-checkout system and method comprising: an RFID reader for reading information from RFID tags associated with products; communication means for communicating information to one or more nodes; a controller means coupled the RFID reader, the communication unit, arranged to receive information from the RFID reader, allow a user to adjust the receive information (select products), send a request, using the adjusted information, to one or more of the service nodes, and display the information response. (see figures 1, 2 and col. 3, line 22 to col. 4, line 46).

In view of Loof's teachings, it would have been obvious for a person for a person of ordinary skill in the art at the time the invention was made to modify the system of Tracy et al as modified by Dworkin by incorporating the well known RFID components (i.e. RFID tags and

Art Unit: 2876

RFID reader) into the system of Tracy et al to communicate products' information for performing transactions. Such modification would enhance the system by providing an alternate means for effectively communicating products information to execute transactions, which would make the system more practical and more reliable. Therefore, it would have been an obvious extension as taught by Tracy et al as modified by Dworkin.

Response to Arguments

5. Applicant's arguments filed 5/28/04 have been fully considered but they are not persuasive. (see examiner's remarks).

REMARKS:

In response to the applicant argument that the user does not adjust the received information, the examiner respectfully disagrees. The user receives a list of product information, even product from different vendors, in which he selects certain products from the list to form a modified list to send to the respective service node. The applicant argument is not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Art Unit: 2876

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

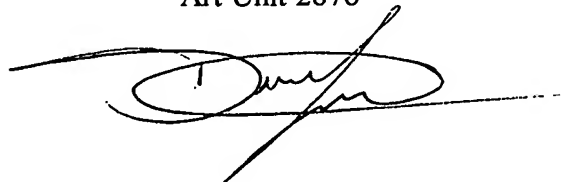
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS